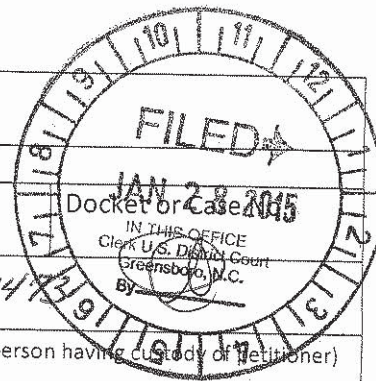


PETITION UNDER 28 U.S.C § 2254 FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY	
United States District Court	District: <u>MIDDLE</u>
Name (under which you were convicted): <u>ROBY LEE DEGRAM</u>	
Place of Confinement: <u>MARION CORRECTIONAL INSTITUTION</u>	Prisoner No.: <u>0317473</u>
Petitioner (include the name under which you were convicted) <u>ROBY LEE DEGRAM</u>	Respondent (authorized person having custody of Petitioner) <u>KEITH WHITAKER</u>
The Attorney General of the State of <u>N.C</u>	



PETITION

1:15cv96

1. (a) Name and location of court that entered the judgment of conviction you are challenging:

FORSYTH COUNTY CLERK OF SUPERIOR COURT

- (b) Criminal docket or case number (if you have)

00 CRS 52239 et al...

2. (a) Date of the judgment of conviction (if you have)

13 AUGUST 2001

- (b) Date of sentencing: 13 AUGUST 2001

3. Length of: 269-332 MONTHS

4. In this case, you were convicted on more than one count or more ☒ Yes ☐ No

5. Identify all crimes of which you were convicted and sentence

TAKING INDECENT LIBERTIES WITH CHILD; SIMPLE ASSAULT; AND (5) FIVE COUNTS OF STATUTORY SEX OFFENSE WHICH ALL WAS CONSOLIDATED INTO (1) ONE CLASS B1 FELONY FOUR JUDGMENT

6. (a) What was your plea? (Check one)

- ☐ (1) Not guilty ☐ (3) Nolo contendere (No Contest)  
☒ (2) Guilty ☐ (4) Insanity plea

- (b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or You plead guilty to and what did you plead not guilty to?

- (c) If you went to trial, what kind of trial did you have? (Check one)

- ☐ Jury ☐ Judge Only

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

- ☐ Yes ☒ No

8. Did you appeal from the judgment of conviction?

- ☐ Yes ☒ No

9. If you did appeal, answer the following:

- (a) Name of

- (b) Docket or case number (if you have)

- (c) Result:

- (d) Date or result (if you have)

- (e) Citation to the case (if you have)

- (f) Grounds



(g) Did you seek further review by a higher state ☐ Yes ☒ No

If yes, answer the following:

- (1) Name of Court: \_\_\_\_\_  
(2) Docket or case number: (if you have) \_\_\_\_\_  
(3) Result: \_\_\_\_\_  
(4) Date of result: (if you have) \_\_\_\_\_  
(5) Citation to the case: (if you have) \_\_\_\_\_  
(6) Grounds raised: \_\_\_\_\_

(h) Did you file a petition for certiorari in the United States Supreme ☐ Yes ☒ No

If yes, answer the following:

- (1) Docket or case number: (if you have) \_\_\_\_\_  
(2) Result: \_\_\_\_\_  
(3) Date of result: (if you have) \_\_\_\_\_  
(4) Citation to the case: (if you have) \_\_\_\_\_

10. Other than the direct appeals listed above, have you previously filed any other petitions, concerning this judgment of conviction in any state ☒ Yes ☐ No

11. If your answer to Question 10 was "Yes," give the following information:

- (a) (1) Name of Court: FORSYTH COUNTY CLERK OF SUPERIOR COURT  
(2) Docket or case number: (if you have) 00 CRS52239 ct 21  
(3) Date of filing: (if you have) ON OR ABOUT THE 17 JULY 2014  
(4) Nature of the proceeding: MOTION FOR APPROPRIATE RELIEF  
(5) Grounds: JURISDICTION MATTER; DEFECTIVE INDICTMENTS; PIRA WAS NOT MADE KNOWINGLY; INTELLIGENTLY; AND VOLUNTARILY; DEFECTIVE ASSISTANCE OF COUNSEL

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? ☐ Yes ☒ No

(7) Result: GRANTED

(8) Date of result: (if you have) 12 NOVEMBER 2014

(b) If you have filed any second petition, application, or motion, give the same information

- (1) Name of Court: NORTH CAROLINA COURT OF APPEALS  
(2) Docket or case number: (if you have) PI4-968  
(3) Date of filing: (if you have) 8 December 2014  
(4) Nature of the proceeding: WRIT OF CERTIORARI  
(5) Grounds: SAME AS MAR WHICH IS ATTACHED

(6) Did you receive a hearing where evidence was given on your petition, application or motion?

☐ Yes ☒ No

(7) Result: DENIED

(8) Date of result (if you know): \_\_\_\_\_

(c) If you filed any third petition, application, or motion, give the same information

(1) Name of: \_\_\_\_\_

(2) Docket or case number (if you know): \_\_\_\_\_

(3) Date of filing (if you know): \_\_\_\_\_

(4) Nature of the proceeding: \_\_\_\_\_

(5) Grounds: \_\_\_\_\_

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☐ No

(7) Result: \_\_\_\_\_

(8) Date of result (if you know): \_\_\_\_\_

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your or motion?

(1) First: ☒ Yes ☐ No

(2) Second: ☒ Yes ☐ No

(3) Third: ☐ Yes ☐ No

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not: \_\_\_\_\_

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts, supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: JURISDICTION MATTER; DEFECTIVE INDICTMENT

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

PLEASE SEE ENCLOSED ATTACHED TO MAR EXHIBIT A, C, E, G, I WHICH IS (5) FIVE DEFECTIVE INDICTMENTS WHICH CHARGES NO OFFENSE WHICH MAKES THIS AREA UNLAWFUL AND STRIPS THE COURT SUBJECT MATTER JURISDICTION WHICH VIOLATES PETITIONER'S U.S. CONST. AM. 5, 8, AND 14<sup>TH</sup>. PLEASE SEE CLAIM I IN PETITIONER'S MAR ATTACHED.

(b) If you did not exhaust your state remedies on Ground One, explain why: \_\_\_\_\_



(c) Direct Appeal of Ground One:

(1) If you appealed from the judgment of conviction, did you raise this: ☐ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If you answer to Question (d)(1) is "Yes," state:

Type of motion or petition: MOTION FOR APPROPRIATE RELIEF

Name and location of the court where the motion or petition was filed: FORSYTH COUNTY CLERK OF SUPERIOR COURT

Docket or case number (if you know): 00 CRS 52239 et al

Date of the court's decision: 12 NOV 2014

Result (attach a copy of the court's opinion or order, if available): (COPY ATTACHED)

(3) Did you receive a hearing on your motion or petition?

☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition?

☒ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☒ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: NC COURT OF APPEALS

Docket or case number (if you know): PI4-968

Date of the court's decision: 18 December 2014

Result (attach a copy of the court's opinion or order, if available): (COPY ATTACHED) DENIED

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) Other remedies: Describe any other procedures (such as habeas corpus, administrative remedies, used to exhaust your state remedies on Ground One:

GROUND TWO: DUE PROCESS, PIRA WAS NOT MADE KNOWINGLY, INTELLIGENTLY, VOLUNTARILY

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

DUE TO THE INDICTMENTS CHARGING NO OFFENSE SUPPORTED BY THE N.C. LAW MAKING THE INDICTMENTS DEFECTIVE VIOLATING DUE PROCESS AND WAS SURE THIS PIRA WAS NOT MADE KNOWINGLY, INTELLIGENTLY AND VOLUNTARILY, CAUSE THE STATUTE ON THE INDICTMENT IS NO VIOLATION OF LAW THEREFORE THE COURTS DID NOT HAVE SUBJECT MATTER JURISDICTION TO SENTENCE PETITIONER. THESE CLAIMS CAN BE FOUND IN PETITIONER'S MAIL CLAIM I & II ATTACHED VIOLATING PETITIONER'S U.S. CON. AM 5, 6, 8, AND 14th



(b) If you did not exhaust your state remedies on Ground Two, explain why: \_\_\_\_\_

(c) Direct Appeal of Ground Two:

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why: \_\_\_\_\_

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: MOTION FOR APPROPRIATE RELIEF

Name and location of the court where the motion or petition was filed:

FORSYTH COUNTY CIRCUIT OF SUPERIOR COURT

Docket or case number (if you know): 00 CRS 52239 et al

Date of the court's decision: 12 NOVEMBER 2014

Result (attach a copy of the court's opinion or order, if available):

(COPY ATTACHED)

(3) Did you receive a hearing on your motion or petition?

☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition?

☒ Yes ☐ No

(5) If you answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☒ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: NC COURT OF APPEALS

Docket or case number (if you know): D14-968

Result (attach a copy of the court's opinion or order, if available):

(COPY ATTACHED)

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) Other remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two:

GROUND THREE: INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

DEFENDANT CONTENDS HE RECEIVED INEFFECTIVE ASSISTANCE OF COUNSEL, DUE TO COUNSEL NOT PETITIONING SIGN AND PLED ON INDICTMENTS THAT DOES NOT CHARGE ANY VIOLATION OF THE LAW OF N.C VIOLATING PETITIONERS U.S. CONST AM 6, 14th (SEE CLAIM III IN PETITIONERS MAIL ATTACH ALSO EXHIBITS ATTACHED TO THE MAIL ENCLOSED).



(b) If you did not exhaust your state remedies on Ground Three, explain why: \_\_\_\_\_

(c) Direct Appeal of Ground Three:

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why: \_\_\_\_\_

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: MOTION FOR APPROPRIATE RELIEF

Name and location of the court where the motion or petition was filed:

FORSYTH COUNTY CLERK OF SUPERIOR COURT

Docket or case number (if you know): 00 CRS 52239 et seq.

Date of the court's decision: 12 NOVEMBER 2014

Result (attach a copy of the court's opinion or order, if available): (COPY ATTACHED)

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition? ☒ Yes ☐ No

(5) If you answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☒ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: N.C. COURT OF APPEALS

Docket or case number (if you know): PI4-968

Result (attach a copy of the court's opinion or order, if available): DENIED (COPY ATTACHED)

(7) If you answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: \_\_\_\_\_

(e) Other remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three: \_\_\_\_\_

**GROUND FOUR:** \_\_\_\_\_

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): \_\_\_\_\_



(b) If did not exhaust your state remedies on Ground Four, explain why:

(c) Direct Appeal of Ground Four:

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) Post- Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☐ No

(2) If you answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue? ☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Result (attach a copy of the court's opinion or order, if available):

(7) If you answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) Other remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four:

13. Please answer these additional questions about the petition you are filing:

(a) Have all grounds for relief that you have raised in this petition been presented to the having

☒ Yes ☐ No

If you answer is "No," state which grounds have not been so presented and give your presenting them:



(b) Is there any ground in this petition that has not been presented in some state or federal ground or grounds have not been presented, and state your reasons for not presenting them:

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition?:

☐ Yes ☒ No

If "Yes," state the name and location of the court, the docket or case number, the type of raised, the date of the court's decision, and the result for each petition, application, or motion of any court opinion or order, if available.

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either the judgment you are challenging?

☐ Yes ☒ No

If "Yes." State the name and location of the court, the docket or case number, the type of raised.

16. Give the name and address, if you know, of each attorney who represented you in the following judgment you are challenging:

(a) At Preliminary Hearing:

(b) At Arraignment and Plea: DAVID FREEDMAN

(c) At Trial:

(d) At Sentencing: DAVID FREEDMAN

(e) On Appeal:

(f) In any Post-Conviction Proceeding(s):

(g) On Appeal from any ruling against you in a Post-Conviction proceeding:

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging?

☐ Yes ☒ No

(a) If so, give name and location of court that imposed the other sentence in the future:

(b) Give the date the other sentence was imposed:

(c) Give the length of the other sentence:



(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future?

☐ Yes ☐ No

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.\*

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\*The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

(1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run for the latest of

(A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;

(B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;

(C) the date of which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

(D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

(2) The timing during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Therefore, petitioner asks that the Court grant the following relief:

RELIEF IN PETITIONER'S MAIL &  
AT LEAST AN EVIDENTIARY HEARING WITH AN APPOINTED ATTORNEY TO REPRESENT  
PETITIONER OR DISMISS WITH PREJUDICE ALL CHARGES

or any other relief to which petitioner may be entitled.

x Rohy Ra Pegram  
Signature of Attorney (if any)  
PETITIONER ACTING PRO SE

I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct and Writ of Habeas Corpus was placed in the prison mailing 1-15-2015 (month, date, year).

Executed (signed) 1-15-2015 (date).

x Roly Lee Pegram  
Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



STATE OF NORTH CAROLINA  
COUNTY OF FORSYTH

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
ooCRS52239 et al

STATE OF NORTH CAROLINA

V.

ROBY LEE PEGRAM,  
Defendant

FILED  
2011 NOV 12 PM 3: 39  
FORSYTH CO., C.S.C.

BY

ORDER

THIS MATTER COMES ON TO BE HEARD by the Honorable Senior Resident Superior Court Judge of Forsyth County upon Defendant's Motion for Appropriate Relief; and the Court, after considering the Motion, makes the following findings:

1. That on 9 October 2000, Defendant was indicted for Taking Indecent Liberties with a Child, Simple Assault, and five counts of Statutory Sex Offense;
2. That on 13 August 2001, Defendant entered a plea of guilty to these offenses, which were all consolidated into one class B1 felony for judgment
3. That in the plea transcript signed by Defendant, his attorney, and the Honorable Superior Court Judge Clarence Carter and affirmed and subscribed before the Clerk of Superior Court, Defendant admitted under oath the following: that he was satisfied with his lawyer's legal services; that he was neither threatened nor coerced into entering the plea; that he did so of his own freely, voluntarily, and with a full understanding what he was doing; and that he was actually guilty of the offenses to which he was pleading guilty;
4. That prior to entering this plea, Defendant made no motions or otherwise challenged the constitutional validity of the plea;
5. That the presiding judge found that a factual basis existed for entry of the plea;
6. That, as a threshold matter, a "guilty plea, intelligently and voluntarily made, bars the later assertion of constitutional challenges to the plea negotiation proceeding." *Brady v. United States*, 397 U.S. 742 (1970); *State v. Reynolds*, 298 N.C. 380 (1979);
7. That, this threshold bar notwithstanding, Defendant has failed to state a cognizable claim for Ineffective Assistance of Counsel under *Strickland v. Washington*, 466 U.S. 668 (1984) and *State v. Braswell*, 312 N.C. 553 (1985), in that he has failed to establish that trial counsel's performance fell below an objective standard of reasonableness or resulted in actual prejudice to Defendant; in fact, trial counsel's efforts resulted in a sentence one-quarter as severe as it could have been;
8. That Defendant has also failed to establish that the indictments were fatally-defective or otherwise divested the trial court of its jurisdiction to hear the case;
9. That because the contentions in Defendant's Motion are barred by the validly-executed plea agreement and fail to articulate specific facts to warrant the relief sought, the Motion should be summarily denied without an evidentiary hearing.



## North Carolina Court of Appeals

JOHN H. CONNELL, Clerk  
Court of Appeals Building  
One West Morgan Street  
Raleigh, NC 27601  
(919) 831-3600

Fax: (919) 831-3615  
Web: <http://www.nccourts.org>

Mailing Address:  
P. O. Box 2779  
Raleigh, NC 27602

No. P14-968

STATE OF NORTH CAROLINA

V.

ROBY LEE PEGRAM,  
DEFENDANT

From Forsyth  
( 00CRS52239 )

### ORDER

The following order was entered:

The petition filed in this cause on the 8th of December 2014 and designated 'Petition for A Writ of Certiorari' is denied.

By order of the Court this the 18th of December 2014.

The above order is therefore certified to the Clerk of the Superior Court, Forsyth County.

WITNESS my hand and the seal of the North Carolina Court of Appeals, this the 18th day of December 2014.

John H. Connell  
Clerk, North Carolina Court of Appeals

Copy to:  
Mr. Roby Lee Pegram, For Pegram, Roby Lee  
Ms. Mary Carla Babb, Assistant Attorney General  
Hon. Susan Frye, Clerk of Superior Court



RUBY L. PERGRAM  
OPUS #: 0317493  
PO Box 2405  
MARION, NC 28752

FILED

2014 JUL 25 PM 3:32

FORSYTH COUNTY, C.S.C.

By Simon 7 me

HONORABLE COURT CLERK

RE: STATE V. RUBY L. PERGRAM

CLERK OF SUPERIOR COURT

FILE NO'S: JUSCR52239-43 et seq & all

COUNTY OF FORSYTH

PO Box 2099

WINSTON-SALEM, NC 27120

DEAR CLERK:

PLEASE FIND ENCLOSED DEFENDANT'S MOTION FOR APPROPRIATE  
RELIEF TO BE FILED IN THIS OFFICE.

DEFENDANT IS KINDLY REQUESTING A RETURNED RECEIPT.

I HIGHLY APPRECIATE YOUR HELP AND PROMPT RESPONSE!

Sincerely  
Ruby L. Pergram  
RUBY L. PERGRAM

STATE OF NORTH CAROLINA  
COUNTY OF FORSYTH

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO'S: 0002852239-43 et seq & ALL

STATE OF NORTH CAROLINA

V.

"MOTION FOR APPROPRIATE RELIEF"

ROBY L. PEGRAM

NOW COMES, ROBY L. PEGRAM, DEFENDANT PRO-SE IN THE  
CLOSED CAPTIONED CASES MENTIONED HEREIN AND ABOVE, AND  
RESPECTFULLY MAKES THIS HONORABLE COURT, PURSUANT TO  
N.C.G.S. § 15A-1411 et seq.... FOR APPROPRIATE RELIEF FROM  
DEFENDANT'S CONVICTIONS AND SENTENCES.

IN SUPPORT OF THIS MOTION, DEFENDANT SHOWS THIS  
HONORABLE COURT THE FOLLOWING:

"STATEMENT OF THE CASE"

- 1) PRESIDING JUDGE: CLAIRCE W. CARTER;
- 2) COUNSEL FOR DEFENDANT: D. FREEDMAN;
- 3) CONVICTION DATE: AUGUST 13, 2001;
- 4) DEFENDANT PLED: GUILTY;
- 5) OFFENSES: STATUTORY SEXUAL OFFENSE OF A PERSON 13, 14, 15;
- 6) SENTENCES: 269 - 332 MONTHS.



THIS MOTION FOR APPROPRIATE RELIEF COMES WITHIN  
N.C.G.S. § 15A-1415:

1) DEFENDANT'S CONVICTION WAS OBTAINED IN VIOLATION OF  
DUE PROCESS OF LAW, AND WITHOUT HAVING SUBJECT  
MATTER JURISDICTION OVER DEFENDANT [VIOLATING DEFENDANT'S  
UNITED STATES CONSTITUTION'S AMENDMENTS 5,<sup>TH</sup> 6,<sup>TH</sup> 8,<sup>TH</sup> AND  
14<sup>TH</sup> AS WELL AS NORTH CAROLINA CONSTITUTION'S ARTICLE I  
SECTIONS 18, 19, 23];

2) DEFENDANT'S CONVICTION WAS ALSO OBTAINED IN VIOLATION  
OF DUE PROCESS OF LAW, DUE TO DEFECTIVE INDICTMENTS  
ALSO [VIOLATING DEFENDANT'S UNITED STATES CONSTITUTION'S  
AMENDMENTS 5<sup>TH</sup> AND 14<sup>TH</sup> AS WELL AS NORTH CAROLINA  
CONSTITUTION'S ARTICLE I SECTIONS 18, 19, 23, AND 27];

3) DEFENDANT'S CONVICTION WAS ALSO OBTAINED, DUE TO  
INEFFECTIVE OF COUNSEL, TO WIT: DAVID FREEDMAN [VIOLATING  
DEFENDANT'S UNITED STATES CONSTITUTION AMENDMENT 6<sup>TH</sup> AND  
AS WELL AS NORTH CAROLINA CONSTITUTION'S ARTICLE I SECTION 19, 21, 23];

4) DEFENDANT'S PLEA MUST BE REMANDED BACK TO  
THE FORSYTH COUNTY SUPERIOR COURT FOR FURTHER REVIEW.



DEFENDANT'S REQUEST FOR A LIBERAL  
CONSTRUCTION BEYOND DOUBT STANDARDS

DEFENDANT MOVES THIS HONORABLE COURT WITHIN ITS DISCRETION  
FOR A LIBERAL CONSTRUCTION OF SAID MATTER HEREIN.

DEFENDANT ASK FOR THE [BEYOND DOUBT STANDARDS], DEFENDANT  
CONTENDS THAT [PRO-SE] LITIGANTS "ARE HELD" [LESS STRICT] THAN THOSE  
"DRAFTED" BY ATTORNEYS, BECAUSE THE DEFENDANT IS A [LAWYER AT LAW],  
AND "DOES NOT" HAVE EVERY TOOL TO EVEN COME CLOSE TO [LEGAL] TERMS  
AS [PROFESSIONAL ATTORNEYS] OR [COUNSELORS AT LAW]. CRUZ V. BETO, 405  
U.S. 519 (1972); HAIRER V. KERDER, 404 U.S. 517 (1972); COOPER V. PATE,  
378 U.S. 546 (1964).

DEFENDANT CONTENDS THAT THIS ALLEGATION, HOWEVER [INFACTUALLY]  
PLEADED IS [SUFFICIENT] TO CALL AN [OPPORTUNITY] TO OFFER SUPERVISING  
EVIDENCE UNLESS IT IS [BEYOND DOUBT] THAT DEFENDANT COULD [PROVE]  
NO SET OF FACTS ENTITLING DEFENDANT TO RELIEF; SEE: GORDON V.  
LACKE, 574 F.2d 1143, 1151 (4<sup>th</sup> CIR) MCNEIL V. U.S., 113 SET 1980, 1984, 1993;

THE COURT [STATED] IN HAIRER V. KERDER, 404 U.S. 519 30 L.E.D.  
2d. 652, 92, S.C.T. 594 (1972) THAT: [PRO-SE] LITIGANTS ARE TO BE [HELD]  
WITH [LESS STRICT STANDARDS] AND TO BE [CONSTRUCTED LIBERAL] THAN  
[FORMAL PROCEEDINGS] "DRAFTED" BY [LAWYERS]; FURTHERMORE, IF COURTS  
CAN "REASONABLE READ PLEADINGS" TO STATE VALID CLAIMS IN WHICH  
[LITIGANTS] COULD PREVAIL; [IT SHOULD DO SO] DESPITE FAILURE TO  
CITE "LEGAL AUTHORITIES"; "POOR SYNTAX"; "AND SENTENCED CONSTRUCTION";  
OR "LITIGANTS UNFAMILIARITY" WITH PLEADINGS REQUIREMENTS:



### DEFENDANT'S CLAIM I

DEFENDANT'S PLEA "MUST" BE [REMANDED] BACK TO FORKSTH COUNTY SUPERIOR COURT, DUE TO THE TRIAL COURT [LACKED JURISDICTION] OVER DEFENDANT'S "PLEA" OR "CASE" AT BAR WHEN THE INDICTMENT WAS AND IS DEFECTIVE.

DEFENDANT CONTENDS THAT AN [INDICTMENT] IS JURISDICTIONAL AND IF ANY INDICTMENT HAS AN "ERROR" ITS REVERSIBLE.

AN [INVALID INDICTMENT] "STRIPS" THE COURT OF [SUBJECT MATTER JURISDICTION].

THE DEFECT [CANNOT] BE "WAIVED" AND IS [FATAL TO ANY JUDGMENT ENTERED UPON A FLAWED INDICTMENT].

STATE V. ABRAMSON, 338, N.C. 315, 451 S.E.2d 131 (1994); STATE V. STURDIVANT, 304, N.C. 293, 307, 08, 283 S.E.2d 719, 729, (1981) CITING NORTH CAROLINA CONSTITUTION ARTICLE I SECTION 22.

STATE V. SIMPSON, 302 N.C. 613 276 S.E.2d 361 (1981) AND STATE V. CRABTREE, 286, N.C. 541 212 S.E.2d 103 (1975).

DEFENDANT [MAY NOT] BE "CONVICTED" OF "ANY" [OFFENSE] "NOT" SUPPORTED BY AN [INDICTMENT] WHATEVER [EVIDENCE] AGAINST HIM MAY BE. STATE V. PATRIDGE, 157, N.C. APP 508, 579 S.E.2d 398 (2003).

DEFENDANT CONTENDS THAT PURSUANT TO N.C.G.S. § 15A-955(1) STATES THAT THE [COURT] UPON A MOTION BY A DEFENDANT MAY [DISMISS] AN "INDICTMENT" IF IT DETERMINES THERE IS "GROUNDS" FOR A [CHALLENGE] TO THE ASSAY.

DEFENDANT, NOW DEMANDS THIS HONORABLE COURT'S ATT-



CLAIM I CONT....

ENTION TO EXHIBITS A;C;E;G;AND I, WHICH IS DEFENDANTS DEFECTIVE INDICTMENTS, TO WIT: THE OFFENSE IN VIOLATION OF G.S. § 14-27.7(a)(1) ON INDICTMENTS [ARE NOT] SUPPORTED BY ANY STATUTE.

DEFENDANT NOW DRAWS THIS HONORABLE COURTS ATTENTION TO EXHIBITS B;D;F;H;AND J, WHICH IS DEFENDANTS JUDGEMENT AND COMMITMENTS WHICH HAS THE [CORRECT] OFFENSE IN VIOLATION OF G.S. § 14-27.7A(a), WHICH JUDGEMENT AND COMMITMENTS DOES NOT GIVE NO COURTS JURISDICTION WHEN INDICTMENTS ARE DEFECTIVE.

DEFENDANT CONTENDS THESE DEFECTIVE INDICTMENTS VIOLATES HIS U.S. CONSTITUTION AMENDMENTS 5<sup>TH</sup>, 6<sup>TH</sup>, 8<sup>TH</sup>, AND 14<sup>TH</sup> AS WELL AS N.C. CONSTITUTION ARTICLE I SECTIONS 18, 19, 23, AS WELL AS DUE PROCESS OF LAW.

DEFENDANT CONTENDS THE STATUTE § 14-27.7(a)(1) ON DEFENDANTS INDICTMENTS IS NOT SUPPORTED BY ANY STATUTE OF N.C. CRIMINAL LAW. HOWEVER, THERE IS [NO CRIME] UNLESS ITS [FORBIDDEN] BY A STATUTE. SEE: U.S. V. COTTON, 535 U.S. 625, 630 (2003); ALSO U.S. V. GATEWOOD, 173 F.3d 983, 986 (6<sup>TH</sup> CIR 1999); ALSO SEE: U.S. V. CLICK, 142 F.3d 520, 523 (2<sup>ND</sup> CIR 1998).

DEFENDANTS PLEA MUST BE REMANDED BACK TO FORSYTH COUNTY FOR FURTHER REVIEW.



## DEFENDANT'S CLAIM II.

THE DUE PROCESS CLAUSE OF DEFENDANT'S UNITED STATES CONSTITUTION AMENDMENT 14<sup>th</sup> AND AS WELL AS NORTH CAROLINA CONSTITUTION ARTICLE I SECTION 18, 19, 23, AND 27 THAT A PLEA OF GUILTY BE MADE KNOWINGLY, INTELLIGENTLY, AND VOLUNTARILY, BECAUSE IT INVOLVES A WAIVER OF DEFENDANT'S U.S. AND N.C. CONSTITUTIONAL RIGHTS.

DEFENDANT CONTENDS HIS [U.S. CONSTITUTION] AS WELL AS HIS [N.C. CONSTITUTIONS] WAS VIOLATED, AS WELL AS [DUE PROCESS OF LAW], AND THERE IS [NO WAY] DEFENDANT'S PLEA COULD HAVE BEEN MADE KNOWINGLY, INTELLIGENTLY, AND VOLUNTARILY TO AN INDICTMENT WITH AN OFFENSE IN VIOLATION OF G.S. § 14-27.7(2)(1) WHICH IS NOT SUPPORTED BY ANY STATUTE OF NORTH CAROLINA.

A DEFENDANT [MUST] BE ABLE TO UNDERSTAND THE [ELEMENTS] OF THE OFFENSE TO WHICH DEFENDANT IS PLEADING GUILTY, ALSO DEFENDANT MUST BE INFORMED OF THE [ELEMENTS OF THE OFFENSE] PRIOR TO OR DURING THE PLEA HEARING.

DEFENDANT CONTENDS HE [COULD NOT] UNDERSTAND THE ELEMENTS TO N.C.G.S. § 14-27.7(2)(1) CAUSE ITS NOT SUPPORTED BY NO STATUTE, ALSO DEFENDANT CONTENDS HE [COULD NOT] BE "INFORMED" OF THE [ELEMENTS] OF THE OFFENSE OF § N.C.G.S. § 14-27.7(2)(1) CAUSE ITS [NOT SUPPORTED] BY NO STATUTE.

DEFENDANT CONTENDS THIS PLEA SHOULD BE REMOVED BY TO FORSYTH COUNTY FOR FURTHER REVIEW. DEFENDANT REQUESTS



### DEFENDANT'S CLAIM III

DEFENDANT'S CONSTITUTIONAL RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL [LUBS] VIOLATED WHICH IS REQUIRED BY THE 6<sup>TH</sup> AMENDMENT OF THE UNITED STATES CONSTITUTION AND ALSO ARTICLE I SECTION 19, 21, 23, OF THE NORTH CAROLINA CONSTITUTION.

A) A DENIAL TO DEFENDANTS [RIGHT] TO [EFFECTIVE ASSISTANCE OF COUNSEL] IS A [CONSTITUTIONAL ERROR] AS WELL AS [PLAIN ERROR] AS PROVIDED IN THE UNITED STATES CONSTITUTIONS 6<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENTS, ALSO SEE: STRICKLAND V. WASHINGTON, 466 U.S. 668 (1984) AND IS REVERSIBLE PER SE.

THE NORTH CAROLINA COURTS HAVE "REPEATEDLY" STATED THAT [INEFFECTIVE ASSISTANCE OF COUNSEL] ARE ... NORMALLY MORE PROPERLY ... AND MORE "APPROPRIATELY" RAISED IN A [POST CONVICTION PROCEEDING]. SEE: STATE V. MILARDO, 256 S.E.2d 154, 160 (NC 1970).

PURSUANT TO THE NORTH CAROLINA RULES OF COURT, RULE 1;2(A) AND B PROVIDES THAT:

B) THE PROSECUTOR OBLIGATIONS ... ARE TO PROVIDE "ZEALOUS" AND "QUALITY" REPRESENTATION TO THEIR [CLIENTS AT ALL STAGES] OF THE CRIMINAL PROCESS, AND TO [PRESERVE, PROTECT AND PROMOTE THEIR CLIENTS] RIGHTS, AND INTEREST THROUGHOUT THE CRIMINAL PROCESS ... SHOWING THAT COUNSEL "WAS" PROFESSIONAL REPRESENTATIONS OF THEIR CLIENTS ... RULE 1;2(A).

DEFENDANT SHOWS THIS HONORABLE COURT HOW DEFENDANT DID NOT RECEIVE [EFFECTIVE ASSISTANCE OF COUNSEL], WHEN COUNSEL, D. FREEMAN LET HIS CLIENT SIGN A Plea FOR OFFENSES "NOT" SUPPORTED BY ANY



"CONCLUSION"

FOR THE REASONS AND AUTHORITIES DISCUSSED HEREIN AND ABOVE IN THE [INTEREST OF JUSTICE] PURSUANT TO BILLY KEO V. U.S., 8F (2<sup>ND</sup> CIR. 1993).

WHERE THE DEFENDANT IS [PROSE] AND THE DEFENDANT'S PROTECTION IN THE [COURT OF LAW] AMONG OTHERS ARE [UNIVERSAL DECLARATION OF HUMAN RIGHTS] OF U.S AND N.C CONSTITUTIONS.

"RELIEF SOUGHT"

1) APPOINT COUNSEL TO ADVISE AND REPRESENT DEFENDANT IN THIS, AND ANY OTHER PROCEEDINGS, PURSUANT TO N.C.G.S. § 15A-1420 (C)(4); 15A-1421; 7A-450-51;

2) GRANT DEFENDANT AN EVIDENTIARY HEARING ON ALL THE FACTUAL ISSUES ON THE MERITS HEREIN AND ABOVE, PURSUANT TO N.C.G.S. § 15A-1420 (C)(4) AND (4)(E);

3) ANY OTHER RELIEF THIS COURT MAY DEEM APPROPRIATE FOR DEFENDANT.

Sincerely  
Roby L. Pegram  
ROBY L. PEGRAM

STATE OF NORTH CAROLINA  
COUNTY OF FORSYTH

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

"AFFIDAVIT"

THE UNDERSIGNED DEFENDANT PRO SE, HAVING FIRST-HAND KNOWLEDGE OF ALL FACTS, DEPOSE AND SAY, UNDER PENALTY OF PERJURY THAT ALL INFORMATION CONTAINED IN THIS MOTION FOR APPROPRIATE RELIEF IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE:

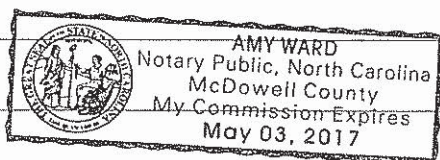
1) DEFENDANT IS CURRENTLY INCARCERATED AT MARION CORRECTIONAL INSTITUTION OBLIGATED TO SERVE A SENTENCE OF 269-332 MONTHS;

2) DEFENDANT IS INCLUDING 1 PAGE TO BE HIS AFFIDAVIT AND INCORPORATED HEREIN AS A REFERENCE.

RESPECTFULLY SUBMITTED THIS 17 DAY OF JULY 2014.

Sworn to and Subscribed before me  
this 17 day of July, 2014  
Witness my hand and official seal.

Amy Ward Notary Public  
My Commission Expires 5/3/17



Ruby L. Pegram  
Ruby L. PEGRAM



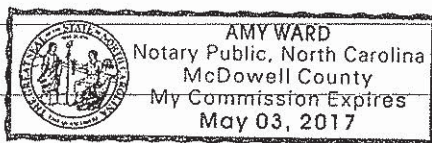
STATE OF NORTH CAROLINA  
COUNTY OF FORSYTH

IN THE GENERAL COURT OF JUSTICE  
DIVISION OF SUPERIOR COURT

"VERIFICATION"

THE UNDERSIGNED DEFENDANT PRO SE BEING FIRST DULY SWORN,  
DEPOSE AND I AM COMPELLED TO TESTIFY AND ALL FACTS STATED IN THIS  
MOTION FOR APPROPRIATE RELIEF IS TRUE AND CORRECT TO THE BEST OF  
MY KNOWLEDGE, EXCEPT TO THOSE MATTERS STATED "UPON INFORMATION"  
RESPECTFULLY SUBMITTED THIS 17 DAY OF JULY 2014.

Sworn to and Subscribed before me  
this 17 day of July, 2014  
Witness my hand and official seal.  
Amy Ward Notary Public  
My Commission Expires 5/3/17



Ruby L. Pegram  
ROBY L. PEGRAM

Notary Public

"CERTIFICATE OF SERVICE"

THIS IS TO CERTIFY THAT THIS MOTION FOR APPROPRIATE  
RELIEF HAS BEEN DULY SERVED UPON THE FOLLOWING BY PLACING A  
COPY OF SAME IN THE UNITED STATES MAIL, POSTAGE PREPAID,  
AND PROPERLY ADDRESSED AS FOLLOWS:

- |   |   |
|---|---|
| 1) HONORABLE COURT CLERK<br>SUPERIOR COURT DIVISION<br>COUNTY OF FORSYTH<br>PO BOX 20099<br>WINSTON-SALEM, NC 27120 | 2) DISTRICT ATTORNEY'S OFFICE<br>90 HONORABLE COURT CLERK<br>COUNTY OF FORSYTH<br>PO BOX 20099<br>WINSTON-SALEM, NC 27120 |
|---|---|

EXECUTED THIS 17 DAY OF JULY 2014.

Ruby L. Pegram  
ROBY L. PEGRAM



EXHIBIT A

82

## STATE OF NORTH CAROLINA

In the General Court of Justice  
Superior Court Division

Forsyth County

File No. 00CRS 52239

Film No.

## STATE OF NORTH CAROLINA VERSUS

Defendant

Roby Lee Pegram

Date of Offense

06/17/00

Offense in Violation of G.S.

§ 14-27.7(a)(1)

## INDICTMENT

STATUTORY SEXUAL OFFENSE OF A  
PERSON AGE 13, 14, OR 15

The jurors for the State upon their oath present that on or about the date of offense shown and in Forsyth County the defendant named above unlawfully, willfully and feloniously did engage in a sex offense with Brandon Dwayne Henrick, a person of the age of 13 years. At the time of the offense, the defendant was at least six years older than the victim and was not lawfully married to the victim.

Signature of Prosecutor

## WITNESSES

☐ K.S. Boyd, FCSO☒ J. Ruel, FCSO☐☐☐☐☐☐

The witnesses marked "X" were sworn by the undersigned Foreman of the Grand Jury and, after hearing testimony, this bill was found to be:

☒ A TRUE BILL by twelve or more grand jurors, and I the undersigned Foreman of the Grand Jury, attest the concurrence of twelve or more grand jurors in the Bill of Indictment.☐ NOT A TRUE BILL.

Date

10/9/00

Signature of Grand Jury Foreman

AOC-CR-149  
Rev. 5/91



# STATE OF NORTH CAROLINA

In the General Court of Justice  
Superior Court Division

Forsyth County

File No. 00CRS 52240

Film No.

## STATE OF NORTH CAROLINA VERSUS

Defendant

Roby Lee Pegram

Date of Offense

06/13/00

Offense in Violation of G.S.

§ 14-27.7(a)(1)

## INDICTMENT

STATUTORY SEXUAL OFFENSE OF A  
PERSON AGE 13, 14, OR 15

The jurors for the State upon their oath present that on or about the date of offense shown and in Forsyth County the defendant named above unlawfully, willfully and feloniously did engage in a sex offense with Brandon Dwayne Henric, a person of the age of 13 years. At the time of the offense, the defendant was at least six years older than the victim and was not lawfully married to the victim.

Signature of Prosecutor

## WITNESSES

☐ K.S. Boyd, FCSO

☒ J. Reich, FCSO

☐

☐

☐

☐

☐

☐

The witnesses marked "X" were sworn by the undersigned Foreman of the Grand Jury and, after hearing testimony, this bill was found to be:

☒ A TRUE BILL by twelve or more grand jurors, and I the undersigned Foreman of the Grand Jury, attest the concurrence of twelve or more grand jurors in the bill of indictment.

☐ NOT A TRUE BILL

Date

10/9/00

Signature of Grand Jury Foreman

*Walter Williams*

400CR-149  
Rev. 5/91



EXHIBIT E

80

STATE OF NORTH CAROLINA

In the General Court of Justice  
Superior Court Division

File No. 00CRS 52241

Forsyth County

Film No.

STATE OF NORTH CAROLINA VERSUS

Defendant

Roby Lee Pegram

Date of Offense

06/11/00

Offense in Violation of G.S.

§ 14-27.7(a)(1)

INDICTMENT

STATUTORY SEXUAL OFFENSE OF A  
PERSON AGE 13, 14, OR 15

The jurors for the State upon their oath present that on or about the date of offense shown and in Forsyth County the defendant named above unlawfully, willfully and feloniously did engage in a sex offense with Brandon Dwayne Hemric, a person of the age of 13 years. At the time of the offense, the defendant was at least six years older than the victim and was not lawfully married to the victim.

Signature of Prosecutor

WITNESSES

☐ K.S. Boyd, FCSO

☒ J. Reich, FCSO

☐

☐

☐

☐

☐

☐

The witnesses marked "X" were sworn by the undersigned Foreman of the Grand Jury and, after hearing testimony, this bill was found to be:

☒ A TRUE BILL by twelve or more grand jurors, and I the undersigned Foreman of the Grand Jury, attest the concurrence of twelve or more grand jurors in the Bill of Indictment.

☐ NOT A TRUE BILL

Date

10/9/00

Signature of Grand Jury Foreman

*Matthew Williams*

AOC-CR-149

Rev. 5/91



# STATE OF NORTH CAROLINA

In the General Court of Justice  
Superior Court Division

Forsyth County

File No. 00CRS 52242

Film No.

## STATE OF NORTH CAROLINA VERSUS

Defendant  
Roby Lee Pegram

Date of Offense  
06/10/00

Offense in Violation of G.S.  
§ 14-27.7(a)(1)

## INDICTMENT STATUTORY SEXUAL OFFENSE OF A PERSON AGE 13, 14, OR 15

The jurors for the State upon their oath present that on or about the date of offense shown and in Forsyth County the defendant named above unlawfully, willfully and feloniously did engage in a sex offense with Brandon Dwayne Henric, a person of the age of 13 years. At the time of the offense, the defendant was at least six years older than the victim and was not lawfully married to the victim.

Signature of Prosecutor

### WITNESSES

☐ K.S. Boyd, FCSO

☒ J. Reich, FCSO

☐

☐

☐

☐

☐

☐

The witnesses marked "X" were sworn by the undersigned Foreman of the Grand Jury and, after hearing testimony, this bill was found to be:

☒ A TRUE BILL by twelve or more grand jurors, and I the undersigned Foreman of the Grand Jury, attest the concurrence of twelve or more grand jurors in the Bill of Indictment.

☐ NOT A TRUE BILL

Date

10/9/00

Signature of Grand Jury Foreman

*William Williams*

AOCCB-14  
Rev. 3/91



EXHIBIT I 78

STATE OF NORTH CAROLINA

In the General Court of Justice  
Superior Court Division

Forsyth County

File No. 00CR8 52243

Film No.

STATE OF NORTH CAROLINA VERSUS

Defendant

Roby Lee Pegram

Date of Offense

06/05/00

Offense in Violation of G.S.

§ 14-27.7(a)(1)

INDICTMENT

STATUTORY SEXUAL OFFENSE OF A  
PERSON AGE 13, 14, OR 15

The jurors for the State upon their oath present that on or about the date of offense shown and in Forsyth County the defendant named above unlawfully, willfully and feloniously did engage in a sex offense with Brandon Dwayne Hemrie, a person of the age of 13 years. At the time of the offense, the defendant was at least six years older than the victim and was not lawfully married to the victim.

Signature of Prosecutor

WITNESSES

☐ K.S. Boyd, FCSO

☒ J. Ruck, FCSO

☐

☐

☐

☐

☐

☐

The witnesses marked "X" were sworn by the undersigned Foreman of the Grand Jury and, after hearing testimony, this bill was found to be:

☒ A TRUE BILL by twelve or more grand jurors, and I the undersigned Foreman of the Grand Jury, attest the concurrence of twelve or more grand jurors in the Bill of Indictment.

☐ NOT A TRUE BILL

Date

10/9/00

Signature of Grand Jury Foreman

ACC-CR-144  
Rev. 3/91



EXHIBIT B

STATE OF NORTH CAROLINA  
FORSYTH County WINSTON-SALEM Seat of Court  
No. 00CRS052239 51  
In The General Court Of Justice  
District Superior Court Division

NOTE: This form is to be used for (1) felony offenses, and (2) misdemeanor offenses, with an understanding for judgments with any felony offenses. Use AOC-CR-501 on first offense only.

STATE VERSUS  
Name Of Defendant: PEGRAM, ROBY LEE  
Race: W Sex: M DOB: [REDACTED]  
Attorney For State: HARDING, BEIRNE, MINOR  
Attorney For Defendant: D. FREEDMAN  
Def. Found Not Indigent Def. Waived Attorney Appointed Referred

JUDGMENT AND COMMITMENT  
ACTIVE PUNISHMENT  
FELONY  
(STRUCTURED SENTENCING)  
G.S. 15A-1201, 15A-1340-15

The defendant ☒ pled guilty to: ☐ was found guilty by a jury or: ☐ pled no contest to:

File No. (a)	Off.	Offense Description	Offense Date	G.S. No.	FM	CI	PC
00CRS052239	51	STAT RAPID/SEX OFFN DEF > =6YR	6/17/2000	14-27.7A(A)	P	B1	

\*NOTE: Enter punishment class & different from underlying felony class (punishment class represents a status or enhancement).

The Court:  
☒ 1. has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be 7. RECORD LEVEL: ☐ I ☒ II ☐ III ☐ IV ☐ V  
☐ 2. makes no prior record level finding because none is required for Class A felony, violent habitual felon, or drug trafficking offenses.

The Court: (NOTE: Block 1 or 2 MUST be checked.):  
☒ 1. makes no written findings because the prison term imposed is: ☒ (a) within the presumptive range of sentences under G.S. 15A-1340.17(c); ☐ (b) for a Class A felony; ☐ (c) for an adjudication as a violent habitual felon, G.S. 14-7.12; ☐ (d) for drug trafficking offenses.  
☐ 2. makes the Findings of Aggravating and Mitigating Factors set forth on the attached AOC-CR-605  
☐ 3. imposes the prison term pursuant to a plea arrangement as to sentence under Article 58 of G.S. Chapter 15A.  
☐ 4. finds the defendant has provided substantial assistance pursuant to G.S. 90-95(h)(5).  
☐ 5. adjudges the defendant to be an habitual felon to be sentenced as a Class C felon pursuant to Article 2A of G.S. Chapter 14.  
☐ 6. finds enhanced punishment from a Class A1 or Class 1 misdemeanor to a Class 1 felony: ☐ G.S. 90-95(e)(3) (drugs); ☐ G.S. 14-3(c) (hate crime).  
☐ 7. finds no Extraordinary Mitigation.  
☐ 8. finds the above designated offense(s) is a reportable conviction involving a minor. G.S. 14-208.6  
☐ 9. finds the defendant is classified as a sexually violent predator. G.S. 14-208.20.  
☐ 10. finds that the defendant used, displayed, or attempted to use or display a firearm at the time of the felony and, pursuant to G.S. 15A-1340.16A, has increased the minimum term of imprisonment to which the defendant would otherwise be sentenced by sixty (60) months.

The Court, having considered evidence, arguments of counsel and statement of defendant, finds that the defendant's plea was freely, voluntarily, and understandingly entered, and Orders the above offenses be consolidated for judgment and the defendant for a minimum term of: 269 months for a maximum term of: 332 months in the custody of:  
☒ Class A Felony: Life Imprisonment Without Parole  
☐ Class B1 Felony: Life Imprisonment Without Parole  
☐ Violent Habitual Felon: Life Imprisonment Without Parole  
☒ N.C. DOC  
☐ Sheriff pursuant to G.S. 15A-1352(b)  
☐ Other

The defendant shall be given credit for 53 days spent in confinement prior to the date of this Judgment as a result of this charge(s).  
The sentence imposed above shall begin at the expiration of all sentences which the defendant is presently obligated to serve.  
The sentence imposed above shall begin at the expiration of the sentence imposed in the case referenced below:  
(NOTE: List the case number, date, county and court in which prior sentence imposed.)

File Number	Offense	County	Court	Date

AOC-CR-501 Rev. 7/2000  
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EXHIBIT D

STATE OF NORTH CAROLINA

FORSYTH

County WINSTON-SALEM

Seal of Court

No. OOCR5052240

51

NOTE: This form is to be used for (1) felony offenses, and (2) misdemeanor offenses, which are consolidated for judgment with any felony offenses. Use AOC CR-601 on DWI offenses.

In The General Court Of Justice  
District 3, Superior Court Division

STATE VERSUS

JUDGMENT AND COMMITMENT  
ACTIVE PUNISHMENT  
FELONY

(STRUCTURED SENTENCING)

G.S. 15A-1301, 15A-1340.15

Name Of Defendant  
PEGRAM, ROBY LEE

Race

W

Sex

M

DOB

Attorney For State

HARDING, BEIRNE, MINOR

Def. Found  
Not Indigent

Def. Waived  
Attorney

Attorney For Defendant

D. FREEDMAN

☐ Appointed ☒ Retained

The defendant ☒ pled guilty to: ☐ was found guilty by a jury of: ☐ pled no contest to:

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	FM	CL	*Am CL
OOCR5052240	51	STAT RAPE/SEX OFFN DEF > =6YR	6/13/2000	14-27.7A(A)	F	RI	

\*NOTE: Enter punishment class if different from underlying felony class (punishment class represents a status or enhancement).

The Court:

- ☒ 1. has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be 7 PRIOR ☐ I ☒ II ☐ III ☐ IV ☐ V  
☐ 2. makes no prior record level finding because none is required for Class A felony, violent habitual felon, or drug trafficking offenses. RECORD LEVEL: ☐ I ☐ II ☐ III ☐ IV ☐ V ☐ VI

The Court: NOTE: Block 1 or 2 MUST be checked:

- ☒ 1. makes no written findings because the prison term imposed is: ☒ (a) within the presumptive range of sentences under G.S. 15A-1340.17(c); ☐ (b) for a Class A felony; ☐ (c) for an adjudication as a violent habitual felon, G.S. 14-7.12; ☐ (d) for drug trafficking offenses.  
☐ 2. makes the Findings of Aggravating and Mitigating Factors set forth on the attached AOC-CR-605.  
☐ 3. imposes the prison term pursuant to a plea arrangement as to sentence under Article 58 of G.S. Chapter 15A.  
☐ 4. finds the defendant has provided substantial assistance pursuant to G.S. 90-95(h)(5).  
☐ 5. adjudges the defendant to be a habitual felon to be sentenced as a Class C felon pursuant to Article 2A of G.S. Chapter 15.  
☐ 6. finds enhanced punishment from a Class A1 or Class 1 misdemeanor to a Class 1 felony. ☐ G.S. 90-95(a)(3) (drugs); ☐ G.S. 14-3(c) (hate crime).  
☐ 7. finds no Extraordinary Mitigation.  
☐ 8. finds the above designated offense(s) is a reportable conviction involving a minor. G.S. 14-208.6.  
☐ 9. finds the defendant is classified as a sexually violent predator. G.S. 14-208.20.  
☐ 10. finds that the defendant used, displayed, or attempted to use or display a firearm at the time of the felony and, pursuant to G.S. 15A-1340.16A, has increased the minimum term of imprisonment to which the defendant would otherwise be sentenced by sixty (60) months.

The Court, having considered evidence, arguments of counsel and statement of defendant, finds that the defendant's plea was freely, voluntarily, and understandingly entered, and Orders the above offenses be consolidated for judgment and the defendant be imprisoned

for a minimum term of: 269 months for a maximum term of: 332 months in the custody of:  
☐ Class A Felony: ☒ Life Imprisonment Without Parole ☐ Death (see attached Death Warrant and Certificates) ☒ N.C. DOC.  
☐ Class B1 Felony: Life Imprisonment Without Parole ☐ Sheriff pursuant to G.S. 15A-1362(b).  
☐ Violent Habitual Felon: Life Imprisonment Without Parole ☐ Other

The defendant shall be given credit for 53 days spent in confinement prior to the date of this Judgment as a result of this charge(s).

The sentence imposed above shall begin at the expiration of all sentences which the defendant is presently obligated to serve.  
The sentence imposed above shall begin at the expiration of the sentence imposed in the case referenced below:  
(NOTE: List the case number, date, county and court in which prior sentence imposed.)

File Number	Offense	County	Court	Date

AOC CR-601 Rev. 3/2000

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Material opposite unmarked squares is to be disregarded as surplusage.  
(Over)



# STATE OF NORTH CAROLINA

FORSYTH

County

WINSTON-SALEM

Seat of Court

00CRS052241

31

NOTE: (This form is to be used for (1) felony offenses, and (2) misdemeanor offenses, which are consolidated for judgment with any felony offenses. Use AOC-CR-301 on DWI offenses.)

In The General Court Of Justice  
☐ District ☒ Superior Court Division

STATE VERSUS

Name Of Defendant  
 PEGRAM, ROBY LEE

JUDGMENT AND COMMITMENT

ACTIVE PUNISHMENT

FELONY

(STRUCTURED SENTENCING)

Race

W

Sex

M

DOB

Attorney For State

HARDING, BEIRNE, MINOR

Def. Found  
 Not Indigent

Def. Waived  
 Attorney

Attorney For Defendant  
 D. FREEDMAN

G.S. 15A-1301, 15A-1340-15

☐ Appointed ☒ Retained

The defendant ☒ pled guilty to: ☐ was found guilty by a jury of: ☐ pled no contest to:

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	F/M	CL	Pr. Cl.
00CRS052241	51	STAT RAPE/SEX OFFN DEF > 6YR	6/11/2000	14-27.7A(A)	F	B1	

\*NOTE: Enter punishment class if different from underlying felony class (punishment class represents a status or enhancement).

The Court:

- ☒ 1. has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be 7. PRIOR ☐ I ☒ II ☐ III ☐ IV ☐ V  
 2. makes no prior record level finding because none is required for Class A felony, violent habitual felon, or drug trafficking offenses. RECORD LEVEL: ☐ I ☐ II ☐ III ☐ IV ☐ V ☐ VI

The Court: NOTE: Block 1 or 2 MUST be checked.

- ☒ 1. makes no written findings because the prison term imposed is: ☒ (a) within the presumptive range of sentences under G.S. 15A-1340.17(c), ☐ (b) for a Class A felony, ☐ (c) for an adjudication as a violent habitual felon, G.S. 14-7.12, ☐ (d) for drug trafficking offenses.  
 2. makes the Findings of Aggravating and Mitigating Factors set forth on the attached AOC-CR-605.  
 3. imposes the prison term pursuant to a plea arrangement as to sentence under Article 58 of G.S. Chapter 16A.  
 4. finds the defendant has provided substantial assistance pursuant to G.S. 90-95(h)(5).  
 5. adjudges the defendant to be an habitual felon to be sentenced as a Class C felon pursuant to Article 2A of G.S. Chapter 14.  
 6. finds enhanced punishment from a Class A1 or Class 1 misdemeanor to a Class 1 felony. ☐ G.S. 90-95(e)(3) (drugs);  
☐ G.S. 14-3(c) (hate crime).  
 7. finds no Extraordinary Mitigation.  
 8. finds the above designated offense(s) is a reportable conviction involving a minor, G.S. 14-208.B.  
 9. finds the defendant is classified as a sexually violent predator, G.S. 14-208.20.  
 10. finds that the defendant used, displayed, or attempted to use or display a firearm at the time of the felony and, pursuant to G.S. 15A-1340.16A, has increased the minimum term of imprisonment to which the defendant would otherwise be sentenced by sixty (60) months.

The Court, having considered evidence, arguments of counsel and statement of defendant, finds that the defendant's plea was freely, voluntarily, and understandingly entered, and Orders the above offenses be consolidated for judgment and the defendant be imprisoned

for a minimum term of: 269 months for a maximum term of: 332 months in the custody of:  
☐ Class A Felony: ☐ Life Imprisonment Without Parole ☐ Death (see attached Death Warrant and Certificates) ☒ N.C. DOC.  
☐ Class B1 Felony: Life Imprisonment Without Parole ☐ Sheriff pursuant to G.S. 15A-1352(b)  
☐ Violent Habitual Felon: Life Imprisonment Without Parole ☐ Other

The defendant shall be given credit for 53 days spent in confinement prior to the date of this Judgment as a result of this charge(s).

The sentence imposed above shall begin at the expiration of all sentences which the defendant is presently obligated to serve.  
 The sentence imposed above shall begin at the expiration of the sentence imposed in the case referenced below.  
 (NOTE: List the case number, date, county and court in which prior sentence imposed.)

File Number	Offense	County	Court	Date
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AOC-CR-601 Rev. 2/2000

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(Over)



# STATE OF NORTH CAROLINA

FORSYTH

County

WINSTON-SALEM

Seat of Court

00CR052242

51

NOTE: (This form is to be used for (1) felony offenses, and (2) misdemeanor offenses, which are considered for judgment with any felony offenses, the AOC CR 301 is not entered.)

In The General Court Of Justice  
District ☒ Superior Court Division

STATE VERSUS

JUDGMENT AND COMMITMENT

ACTIVE PUNISHMENT

FELONY

(STRUCTURED SENTENCING)

Name Of Defendant

PEGRAM, ROBY, LEE

Race

W

Sex

M

DOB

Attorney For State

HARDING, BEIRNE, MINOR

Def. Found  
Not Indigent

Def. Waived  
Attorney

Attorney For Defendant

D. FREEDMAN

G.S. 15A-1301, 15A-1340.13

Announced ☒ Referred

The defendant ☒ pled guilty to: ☐ was found guilty by a jury of: ☐ pled no contest to:

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	FBI CL	CL
00CR052242	51	STAT RAPE/SEX OFFN DEF >=6YR	6/10/2000	14-27.7A(A)	F	BI

\*NOTE: Enter punishment class if different from underlying felony class (punishment class represents a status or enhancement).

The Court:

1. has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be 7 PRIOR ☐ I ☐ II ☐ III ☐ IV ☐ V
2. makes no prior record level finding because none is required for Class A felony, violent habitual felon, or drug trafficking offenses. RECORD LEVEL: ☐ I ☐ II ☐ III ☐ IV ☐ V

The Court: (NOTE: Block 1 or 2 MUST be checked.):

1. makes no written findings because the prison term imposed is: ☐ (a) within the presumptive range of sentences under G.S. 15A-1340.17(c); ☐ (b) for a Class A felony; ☐ (c) for an adjudication as a violent habitual felon, G.S. 14-7.12; ☐ (d) for drug trafficking offenses.
2. makes the Findings of Aggravating and Mitigating Factors set forth on the attached AOC-CR-605.
3. imposes the prison term pursuant to a plea arrangement as to sentence under Article 56 of G.S. Chapter 15A.
4. finds the defendant has provided substantial assistance pursuant to G.S. 90-95(h)(5).
5. adjudges the defendant to be an habitual felon to be sentenced as a Class C felon pursuant to Article 2A of G.S. Chapter 14.
6. finds enhanced punishment from a Class A1 or Class 1 misdemeanor to a Class I felony. ☐ G.S. 90-95(a)(3) (Drugs); ☐ G.S. 14-3(c) (hate crime).
7. finds no Extraordinary Mitigation.
8. finds the above designated offense(s) is a reportable conviction involving a minor. G.S. 14-208.6.
9. finds the defendant is classified as a sexually violent predator. G.S. 14-208.20.
10. finds that the defendant used, displayed, or attempted to use or display a firearm at the time of the felony and, pursuant to G.S. 15A-1340.16A, has increased the minimum term of imprisonment to which the defendant would otherwise be sentenced by sixty (60) months.

The Court, having considered evidence, arguments of counsel and statement of defendant, finds that the defendant's plea was freely, voluntarily, and understandingly entered, and Orders the above offenses be consolidated for judgment and the defendant

for a minimum term of:

269

months

for a maximum term of:

332

months

in the custody of:

☐ Class A Felony:

Life Imprisonment Without Parole

☐ Death (see attached Death Warrant and Certificate)

☒ N.C. DOC:

☐ Class B1 Felony:

Life Imprisonment Without Parole

☐ Sheriff pursuant to G.S. 15A-1352(b)

☐ Violent Habitual Felon:

Life Imprisonment Without Parole

☐ Other

The defendant shall be given credit for 53 days spent in confinement prior to the date of this Judgment as a result of this charge(s).

1. The sentence imposed above shall begin at the expiration of all sentences which the defendant is presently obligated to serve.
2. The sentence imposed above shall begin at the expiration of the sentence imposed in the case referenced below:

File Number	Offense	County	Court	Date
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# STATE OF NORTH CAROLINA

FORSYTH

County

WINSTON-SALEM

Seat of Court

00CR5052243

51

NOTE: (This form is to be used for (1) felony offenses, and (2) misdemeanor offenses, which are considered for judgment with any felony offenses. Use AOC-CR-301 on DWI offenses.)

In The General Court Of Justice  
District ☒ Superior Court Division

STATE VERSUS

Name Of Defendant  
PEGAM, ROBY, LEE

JUDGMENT AND COMMITMENT  
ACTIVE PUNISHMENT  
FELONY

Race W Sex M DOB

(STRUCTURED SENTENCING)

Attorney For State  
HARDING, BEIRNE, MINOR

Def. Found Not Indigent

Def. Waived Attorney

Attorney For Defendant  
D. FREEDMAN

G.S. 15A-1301, 15A-1340.13

☐ Appointed ☒ Retained

The defendant ☒ pled guilty to: ☐ was found guilty by a jury of: ☐ pled no contest to:

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	F/M	CL	*Fun. CL
00CR5052243	51	STAT RAPE/SEX OFFN DEF > 6YR	6/5/2000	14-27.7A(A)	F	B1	

\*NOTE: Enter punishment class if different from underlying felony class (punishment class represents a status or enhancement).

The Court:

- ☒ 1. has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be 7. PRIOR ☐ I ☒ II ☐ III ☐ IV  
☐ 2. makes no prior record level finding because none is required for Class A felony, violent habitual felon, or drug trafficking offenses. RECORD LEVEL: ☐ I ☐ II ☐ III ☐ IV ☐ V ☐ VI

The Court, (NOTE: Block 1 or 2 MUST be checked.):

- ☒ 1. makes no written findings because the prison term imposed is: ☒ (a) within the presumptive range of sentences under G.S. 15A-1340.17(c); ☐ (b) for a Class A felony; ☐ (c) for an adjudication as a violent habitual felon; G.S. 14-7.12; ☐ (d) for drug trafficking offenses.  
☐ 2. makes the Findings of Aggravating and Mitigating Factors set forth on the attached AOC-CR-605.  
☐ 3. imposes the prison term pursuant to a plea arrangement as to sentence under Article 58 of G.S. Chapter 15A.  
☐ 4. finds the defendant has provided substantial assistance pursuant to G.S. 90-95(h)(5).  
☐ 5. adjudges the defendant to be an habitual felon to be sentenced as a Class C felon pursuant to Article 2A of G.S. Chapter 14.  
☐ 6. finds enhanced punishment from a Class A1 or Class 1 misdemeanor to a Class 1 felony; ☐ G.S. 90-95(a)(3) (drugs); ☐ G.S. 14-3(c) (hate crime).  
☐ 7. finds no Extraordinary Mitigation.  
☐ 8. finds the above designated offense(s) is a reportable conviction involving a minor. G.S. 14-208.6.  
☐ 9. finds the defendant is classified as a sexually violent predator. G.S. 14-208.20.  
☐ 10. finds that the defendant used, displayed, or attempted to use or display a firearm at the time of the felony and, pursuant to G.S. 15A-1340.18A, has increased the minimum term of imprisonment to which the defendant would otherwise be sentenced by sixty (60) months.

The Court, having considered evidence, arguments of counsel and statement of defendant, finds that the defendant's plea was freely, voluntarily, and understandingly entered, and Orders the above offenses be consolidated for judgment and the defendant be imprisoned:

for a minimum term of: 269 months for a maximum term of: 332 months In the custody of: ☒ N.C. DOC.  
☐ Class A Felony: ☐ Life Imprisonment Without Parole ☐ Death (see attached Death Warrant and Certificates) ☐ Sheriff pursuant to G.S. 15A-1362(b).  
☐ Class B1 Felony: Life Imprisonment Without Parole ☐ Other

The defendant shall be given credit for 53 days spent in confinement prior to the date of this Judgment as a result of this charge(s).

The sentence imposed above shall begin at the expiration of all sentences which the defendant is presently obligated to serve.  
 NOTE: List the case number, date, county and court in which prior sentence imposed.

File Number: Offense: County: Court: Date:

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